

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 45

Introduced By: Gay, 14;
Read first time: January 4, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to courts; to amend section 33-106, Revised
2 Statutes Cumulative Supplement, 2006; to change provisions
3 relating to district court fees; to provide an operative
4 date; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 33-106 Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 33-106. (1) In addition to the judges retirement fund fee
4 provided in section 24-703 and the fee provided in section 33-106.03
5 and except as otherwise provided by law, the fees of the clerk of the
6 district court shall be as follows: There shall be a docket fee of
7 forty-two dollars for each civil and criminal case except (a) a case
8 commenced by filing a transcript of judgment as hereinafter provided,
9 (b) proceedings under the Nebraska Workers' Compensation Act and the
10 Employment Security Law, when provision is made for the fees that may
11 be charged, and (c) a criminal case appealed to the district court
12 from any court inferior thereto as hereinafter provided. There shall
13 be a docket fee of twenty-five dollars for each case commenced by
14 filing a transcript of judgment from another court in this state for
15 the purpose of obtaining a lien. There shall be a docket fee of
16 twenty-seven dollars for each criminal case appealed to the district
17 court from any court inferior thereto.

18 (2) In all cases, other than those appealed from an inferior
19 court or original filings which are within jurisdictional limits of an
20 inferior court and when a jury is demanded in district court, the
21 docket fee shall cover all fees of the clerk, except that the clerk
22 shall be paid for each copy or transcript ordered of any pleading,
23 record, or other paper and ~~that the clerk shall be entitled to a fee~~
24 ~~of fifteen dollars~~ for making a complete record of a case

25 (3) The clerk shall be entitled to a fee of fifteen dollars
26 for making a complete record of a case. The fee for making a complete
27 record of a case shall be taxed as a part of the costs of the case.

1 ~~, except when expressly waived by the parties to the action.~~ In a
2 Title IV-D case, in a case filed pursuant to sections 25-2301 to
3 25-2310, or in a civil case filed by a county attorney, the fee for
4 making a complete record of a case shall be waived. In all civil
5 cases, except habeas corpus cases in which a poverty affidavit is
6 filed and approved by the court, and for all other services, the
7 docket fee or other fee shall be paid by the party filing the case or
8 requesting the service at the time the case is filed or the service
9 requested.

10 (4) For any other service which may be rendered or performed
11 by the clerk but which is not required in the discharge of his or her
12 official duties, the fee shall be the same as that of a notary public
13 but in no case less than one dollar.

14 Sec. 2. This act becomes operative on January 1, 2008.

15 Sec. 3. Original section 33-106, Revised Statutes Cumulative
16 Supplement, 2006, is repealed.